

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Production Workers Pension Fund

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: Civil Action No. 1:24-cv-05570-JLR
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PROPOSED ORDER

WHEREAS this Court has reviewed the Petition filed by the Production Workers Pension Fund (Docket No. 3);

WHEREAS this Court has jurisdiction over this action under the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), § 502(e)(1), 29 U.S.C. § 1132(e)(1);

WHEREAS the Trust Agreement for the Production Workers Pension Fund provides that the Fund is operated and administered by a slate of trustees and that existing trustees are responsible for naming additional trustees;

WHEREAS the Fund’s most recent trustee resigned in 2023 without appointing any successor trustees;

WHEREAS the Fund still has approximately 296 participants remaining in the Fund who are either receiving retirement benefits or who are entitled to receive retirement benefits in the future and whereas the Fund controls approximately \$5,876,415 in assets; and

WHEREAS the Fund needs trustees to make determinations about benefits, assess and collect withdrawal liability, complete its application for Special Financial Assistance pursuant to 29 U.S.C. § 1431 and 29 C.F.R. § 4262.1 et seq., and perform other duties of trustees such as monitor investment selections and file annual Form 5500s;


WHEREAS under 29 U.S.C. § 1342(b)(2)(A), “upon the petition of a plan administrator . . ., the appropriate United States district court may appoint a trustee in accordance with the provisions of this section if the interests of the plan participants would better served by the appointment of the trustee.”;

WHEREAS the Court has reviewed the resumes of Judith Broach, Esq. and James Estabrook, Esq., two professional trustees; and

WHEREAS the Court has determined that the interests of the plan participants would be better served by the appointment of Judith Broach, Esq. and James Estabrook, Esq. as trustees.

NOW THEREFORE, IT IS ORDERED:

- (1) Judith Broach is appointed as the union-side trustee to the Fund;
- (2) James Estabrook is appointed as the employer-side trustee to the Fund;
- (3) Mr. Estabrook and Ms. Broach may amend the Trust Agreement to require only two trustees (instead of the current four); and
- (4) The Fund may pay the trustees reasonable compensation for their services to the Fund.


The Honorable Jennifer L. Rochon, U.S.D.J.

Dated: August 20, 2024